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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/276,277	03/25/1999	WILLIAM CARTER CARROLL BULLARD	10360/022001	1888

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EXAMINER

RUDY, ANDREW J

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 04/10/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

(63)

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/276,277	BULLARD, WILLIAM CARTER CARROLL
	Examiner Andrew Joseph Rudy	Art Unit 2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 February 2002.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-15,19-22,24 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-15,19-22,24 and 26-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. Claims 2-15, 19-22, 24 and 26-28 are pending. The Applicant from the February 26, 2002 Amendment has canceled claims 1, 16-18, 23 and 25.

### ***Specification***

2. The specification is objected to as it is replete with terminology that is not properly defined and/or does not correlate with the drawings.

Page 1, line 23 “IP” is not defined.

Page 4, line 12 “network devices 12” is not illustrated in the drawings and is not clear.

Page 5, line 9 “flow probe 12c” is not illustrated in the drawings and is not clear.

Page 4, lines 21, 27 “interface 12c” and “interfaces “42a-42g” are not illustrated in the drawings and is not clear.

Page 7, line 5 “data collector layer 18” is not illustrated in the drawings and is not clear.

Page 9, line 15 “collectors 52a-52d” are not illustrated in the drawings and is not clear.

Page 9, line 18 “mobile user 106 or an Internet user 107” is not in agreement with the drawings and is not clear.

Page 12, lines 5-6 “L2TP, L2F, PPTP or IPSec, and so forth” is not defined and not clear.

Page 14, lines 26, 28 “half pipe and full pipe” are not defined beyond the ordinary meaning of each.

Page 22, line 2 “out datagrams” should be - - out, datagrams - -.

Page 25, lines 15 “”seconds” and “micro seconds”” do not correspond with FIG. 10.

Page 33, lines 20 “an network” should be - - a network - -.

Page 38, line 6 “flow data processor 60 (FAP)” is not clear.

Page 42, lines 2-3 “T1, T2, T3, T4” are not illustrated in FIG. 18 and not clear.

Page 49, line 26 “ATM” is not defined and not clear.

Page 51, lines 14, 26 “PROTO”, “UDP”, “TCP” and “TCP SYN” are not defined and not clear.

Page 58, lines 25, 26 “DNS”, “NFS”, and “MBONE” are not defined and not clear.

Page 59, line 3 “MAC” is not defined and not clear.

Page 63, line 26 “IP SEC” is not defined and not clear.

Page 66, line 28 “Int-serv”, “RSVP”, and “DiffServ” are not defined and not clear.

Page 69, lines 5, 19 “newtwork” is misspelled while “network 754” is not correlated in the drawings and not clear.

Page 70, lines 3, 13, 28 “configuration file 752a”, “configures 752” and “provisioning server 752” are not correlated in the drawings (FIG. 31) and not clear.

Page 71, line 3 “proces” is misspelled.

Page 71, lines 20-21, 24-25, 28, 29 “service management provisioning 752”, “core 782”, “modules 784”, “Service provisioning 752” are not correlated in the drawings (FIG. 32) and not clear.

Page 72, lines 3-4 “architecture 780” and multi-device 788” are not correlated in the drawings (FIG. 32) and are not clear.

Page 72, lines 4, 6, 11, 12 “S(s)ervice provisioning 752” is not correlated in the drawings and are not clear.

Page 72, line 8 “inorder” should be - - in order - -.

Correction is required. No new matter may be entered.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2-15, 19-22, 24 and 26-28 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the

application was filed, had possession of the claimed invention. The specification does not define an IP packet and thus is not clear. The specification is replete with terminology that is not adequately defined (see above comments).

No “method of analyzing a flow for an accounting application, comprising .. and using results of correlating .. to the accounting application” (claim 2) is disclosed in the specification. Also, no “computer program product residing on a computer-readable medium for analyzing a flow for an accounting application, comprising instructions to cause a computer to capture and IP packet from a network segment . . . and using results of correlating .. to the accounting application” (claim 19) is disclosed in the specification. Further, no “system for flow of network packet data, comprising a processor . . . to the accounting application” (claim 24) is disclosed in the specification.

No new matter may be entered.

***Claim Rejections - 35 USC § 102***

4. The art rejection from Paper No. 6 is presently withdrawn, as it is not clear what Applicant's invention is resulting from Applicants February 26, 2002 Amendment in juxtaposition with the objections to the specification and the 35 U.S. C. 112 rejection noted above.

***Claim Rejections - 35 USC § 103***

5. The art rejection from Paper No. 6 is presently withdrawn, as it is not clear what Applicant's invention is resulting from Applicants February 26, 2002 Amendment in juxtaposition with the objections to the specification and the 35 U.S. C. 112 rejection noted above.

6. A further pertinent reference of interest: Bruins et al., U.S. Patent No. 6,308,148 discloses a network flow data system comprising an Internet Protocol (IP).

7. Applicant on page 61, lines 11-14 of the present specification discloses a reference to Kent, but it does not appear on the February 18, 2000 IDS submitted to the PTO. Applicant is requested to provide this reference if pertinent to the present application.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

April 8, 2002

*Andrew Joseph Rudy*  
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2167